

IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

The Sustainability Institute, *et al.*,

Plaintiffs-Appellees,

v.

Donald J. Trump, *et al.*,

Defendants-Appellants.

No. 25-1575

**MOTION TO POSTPONE ORAL ARGUMENT
IN LIGHT OF LAPSE OF APPROPRIATIONS**

Pursuant to Federal Rule of Appellate Procedure 27, the government respectfully moves to postpone oral argument in the above-captioned case.

At the end of the day on September 30, 2025, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The Department does not know when funding will be restored by Congress.

This matter is currently scheduled for oral argument on October 23, 2025. Absent an appropriation, Department of Justice attorneys are prohibited from working, even on a voluntary basis, except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.

Undersigned counsel for the Department of Justice therefore respectfully requests that the Court postpone oral argument in this matter until a date at least 14 days after Congress has restored appropriations to the Department. The additional time following the restoration of appropriations will allow the government to restart regular operations and prepare for the oral argument.

Counsel for plaintiffs has informed counsel for the government that plaintiffs oppose this motion and intend to file a response.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the government hereby moves to postpone oral argument in this case, as described above, until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

Respectfully submitted,

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/s/ Sean R. Janda

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CERTIFICATE OF COMPLIANCE

This motion complies with the type-volume limit of Federal Rule of Appellate Procedure 27(d)(2)(A) because it contains 229 words. This motion also complies with the typeface and type-style requirements of Federal Rules of Appellate Procedure 27(d)(1)(E) and 32(a)(5)-(6) because it was prepared using Microsoft Word 2016 in CenturyExpd BT 14-point font, a proportionally spaced typeface.

/s/ Sean R. Janda
Sean R. Janda